

CERTIFICATE OF MAILING

I hereby certify that on the date indicated below this correspondence is being submitted to the USPTO on the below-indicated date and addressed to:

MAIL STOP: Amendment, COMMISSIONER FOR PATENTS, P.O. Box 1450, Alexandria, VA 22313-1450

Signature of JEROME GLASSER: 

Date: December 18, 2009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Title: **MULTI-ITEM HOLDER DEVICE**

Applicant: **Jerome Glasser**

Confirmation No.: **4813**

Customer No. **40232**

Art Unit: **3677**

Application Serial No.: **10/715,669**

Examiner: **Robert J. Sandy**

Filed: **November 18, 2003**

Docket No.: **JGPAT012a03US**

**RESPONSE TO NOVEMBER 20, 2009-DATED OFFICE ACTION
RELATING TO "NON-RESPONSIVE" ELECTION NOTICE**

MAIL STOP: Amendment
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Examiner Sandy:

In connection with the above-referenced application, enclosed herewith for filing is Applicant's response to outstanding Office Action dated November 20, 2009:

ELECTION U.S.C. § 121 {CONTINUED}

As required under 35 U.S.C. § 121, Applicant herein submits this Response and respectfully requests that it be added to and included in Applicant's prior August 31, 2009-dated election, and that this Response may now permit the consideration by the Examiner of Applicant's August 31, 2009 Office Action Response as "fully responsive."

Applicant technically elects the Examiner's SPECIES 1 as a single disclosed species for prosecution on the merits and, moreover, identifies below the following claims encompassing the elected species, although Applicant fervently hopes that Applicant's contentions regarding an Expanded Species 1 as set-forth in Applicant's August 31, 2009 will be persuasive to the Examiner.

Through Applicant's clarification, Applicant feels confident that the Examiner will recognize the fact that—as detailed in Applicant's August 31, 2009 Office Action Response—there is ample reasonable justification on the merits for permitting the entry by the Examiner of "Expanded Species", since, otherwise the result would be the separation into distinct species of variants of the same species.

CLAIMS

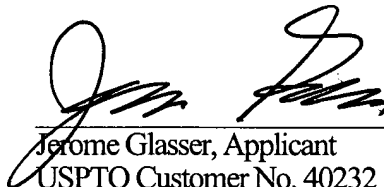
The following claims correspond to the elected Species 1: 49, 50, 51, 52, 53, 55, 59, 65, 66.

CONCLUSION

Applicant respectfully requests the entry of the amendments contained herein, and contends that this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes that a further telephone conference/meeting with Applicant would be advantageous towards the disposition of this case in a manner favorable to Applicant, the Examiner is requested contact Applicant at anytime at the telephone number listed below. An early and favorable action is hereby requested.

Date: December 18, 2009

Respectfully submitted,


Jerome Glasser, Applicant
USPTO Customer No. 40232
Telephone: (973) 818-7845